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Criminal Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 CR 373 (RJS)

5 TYREEK OGARRO,

6 Defendant.

7 -----x

8 New York, N.Y.
9 December 4, 2023
2:40 p.m.

10 Before:

11 HON. RICHARD J. SULLIVAN,

12 Circuit Judge
Sitting By Designation

13 APPEARANCES

14 DAMIAN WILLIAMS,

15 United States Attorney for the
Southern District of New York

16 BY: JUN XIANG

Assistant United States Attorney

17 DAWN CARDI

18 Attorney for Defendant

19 Also Present:

20 Dwight Brown, Probation (EDNY)

Alexandria Hirsch, Probation

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1 (Case called)

2 THE COURT: Let me take appearances for the
3 government.

4 MR. XIANG: Good afternoon, your Honor.

5 Jun Xiang for the government; Officers Dwight Brown
6 and Alexanderia Hirsch with probation.

7 THE COURT: Good afternoon, Mr. Xiang, Mr. Brown, and
8 Ms. Hirsch.

9 And for the supervisee.

10 MS. CARDI: Good afternoon, your Honor.

11 Dawn Cardi, and Mr. Tyreek Ogarro is to my left.

12 THE COURT: Ms. Cardi and Mr. Ogarro, good afternoon.

13 To recap where we are, we were last here in October.
14 At that point, Mr. Ogarro had tested positive for a number of;
15 times, and so we had sort of a plan in place to see if we could
16 maybe get ourselves back on track. I then got a summary from
17 probation just a few days ago indicating that, to his credit,
18 Mr. Ogarro, seems to have sort of gotten back on track. He's
19 been attending treatment sessions, he's not been testing
20 positive, he's been doing what's been asked of him, and that's
21 a good thing.

22 So let me just say, Mr. Brown, you have the most
23 contact with Mr. Ogarro at this point.

24 MR. BROWN: Yes, your Honor.

25 THE COURT: So what else can you tell me?

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1 MR. BROWN: Sure, your Honor. As you know, the goal
2 of the probation department was to get Mr. Ogarro back on
3 track. One of the key things we wanted to do was essentially
4 change his treatment schedule and program, which we have done.
5 I was in contact with his primary counselor throughout the
6 course of the month and the prior month. They said that he is
7 motivated, that he has been attending all of his treatment
8 sessions, he's been testing, as your Honor stated, negative for
9 all illicit substances. We also take testings when he reports
10 to the probation department, and he was also found to be
11 negative of all substances as well.

12 THE COURT: And he's working?

13 MR. BROWN: So he is continuing with the community
14 service in lieu of employment. The thing that's holding him up
15 right now, he does have secured employment with Freedom Care;
16 however, because he doesn't have a state identification that
17 has been --

18 THE COURT: We're still working on that?

19 MR. BROWN: Correct.

20 THE COURT: Are we close?

21 MR. BROWN: So he did have an appointment with the
22 Civil Court Division to have a change in name. We just
23 recently found out he was carrying his father's last name,
24 Walters, and he wants to change it to Ogarro. So he does
25 have -- I just presented him some documentation to support this

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1 name change. He did ask for his disposition. He does have his
2 own birth certificate, which he obtained. So as soon as he
3 does submit all those documentations, he will get the
4 identifying and then move forward.

5 THE COURT: Submit them to whom?

6 MR. BROWN: To the Civil Court Division for the name
7 change.

8 THE COURT: One of the things about the RISE Court, I
9 noticed, is they have basically a volunteer lawyer team from a
10 firm that is providing pro bono assistance to the members of
11 the RISE Court, which might be a dozen people or so. But they
12 are great at this kind of stuff. You need to get
13 documentation, you need to get a name change, you need to
14 square away, whether it's child support or a divorce, things
15 like that, they are really helpful on that.

16 So do we have the support we need to help Mr. Ogarro
17 get there relatively quickly?

18 MR. BROWN: So I think we do, your Honor. On my end,
19 I am working to try to see if I can expedite our resources in
20 the Eastern District. He says that he is close of getting it
21 himself. He's also been proactive in trying to push to get his
22 identification. He was pushing to get his birth certificate.
23 We have been proactive in that step as well. So we will
24 definitely notify your Honor as soon as that is handled and
25 taken care of.

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1 THE COURT: Okay. Thank you, Mr. Brown.

2 Ms. Cardi, is there anything you want to add?

3 MS. CARDI: No, your Honor.

4 THE COURT: What's the proposal, then, going forward?
5 I guess that's to the probation or to the government. What do
6 you recommend we do?

7 MR. BROWN: Your Honor, I think we're on a good track
8 right now. If your Honor does want us to have a follow-up,
9 another status report to just update you in regards to
10 employment and then another status conference, the probation
11 department is open to that, but we do defer to the Court.

12 THE COURT: I think probably a status report is
13 enough. I don't want to drag Mr. Ogarro down here if it is
14 just to share good news. I think we can do that with a report.
15 Good news is good. It's not a bad thing to look at Mr. Ogarro
16 and say, well done, you've turned it around. Since October,
17 you've done what I asked you to do, so that's good. But I
18 don't want to bring him down here unnecessarily. I'm going to
19 assume things are going well.

20 Why don't you give me another status report in
21 60 days?

22 MR. BROWN: That's perfect.

23 THE COURT: If things go south, you'll let me know
24 sooner.

25 MR. BROWN: Yes, your Honor.

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1 THE COURT: Does that work for the government?

2 MR. XIANG: Yes, your Honor.

3 THE COURT: Ms. Cardi, does that work for you?

4 MS. CARDI: Yes, your Honor.

5 THE COURT: Mr. Ogarro, is there anything else on your
6 mind?

7 THE DEFENDANT: No.

8 THE COURT: You're doing okay?

9 THE DEFENDANT: Yes, yes.

10 THE COURT: So you're working how many hours a week?
11 Are you doing the community service now?

12 THE DEFENDANT: 20.

13 THE COURT: 20. Okay. That's enough to keep you
14 busy?

15 THE DEFENDANT: Yeah.

16 THE COURT: What sorts of things are you doing? A
17 little closer to the mic. Thanks.

18 THE DEFENDANT: I help the pastor, I help him with
19 his -- like, he have a lot of flyers for CASAC, that people
20 want to become, like, a part of, like, alcohol -- alcohol,
21 substance abuse -- like, people that want to become -- like, I
22 forget the -- like, caseworkers. So I help him, like, get
23 those flyers out to people every week. Every Sunday, we have
24 service. I go to the service, he do the service. Anything he
25 needs, whether it's computers, I help him with that just to

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1 further the church.

2 THE COURT: Okay. Go ahead.

3 MR. BROWN: I also have a progress report from his
4 community that just gives sort of what he's doing, what's
5 entailed, his sign-in sheet, if your Honor would like to see
6 it.

7 THE COURT: I'll take a look, if you can just hand it
8 up. Thanks.

9 Mr. Ogarro, are you getting paid for the work that you
10 do?

11 THE DEFENDANT: No.

12 THE COURT: Okay. But this letter does indicate that
13 there's training available?

14 MR. BROWN: Yes, your Honor.

15 THE COURT: That would be paid for?

16 MR. BROWN: Right. So because we were in this
17 in-between where Mr. Ogarro was testing positive for marijuana,
18 the church does have -- through ACCES-VR and Workforce1, they
19 do have a program where he would be like a peer advocate for
20 substance abuse where he talks to kids at risk, kind of like
21 similar to what his situation was but on a state level, where
22 he'll be more of like a counselor to them. But he has to
23 complete 350 hours of training. He would have to do a number
24 of other things. But we wanted to make sure that was squared
25 away with court first before enrolling him into a program and

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1 seeing if he was serious about being more of a peer advocate.

2 THE COURT: Okay. That's something Mr. Ogarro wishes
3 to do?

4 MR. BROWN: Yes.

5 THE COURT: Or he's still thinking about it?

6 MR. BROWN: So I think he wants to at least get
7 employment with the Freedom Care first, but this is an
8 opportunity if he's interested in, he can take.

9 THE COURT: Okay. Mr. Ogarro, is there anything you
10 wanted to say?

11 THE DEFENDANT: Well, as for the CASAC, I definitely
12 do -- that's something I look forward to doing.

13 THE COURT: Okay. Let's then say 60 days from today,
14 I'll give you a date certain, Mr. Brown. So what's today?
15 Today is December 4, February 4 is more or less 60 days.
16 That's a Sunday. So February 5. Is that okay?

17 MR. BROWN: That's perfect, your Honor.

18 THE COURT: Just a quick status update, like you sent
19 to me last time.

20 MR. BROWN: Okay.

21 THE COURT: Thank you. And thank you, Ms. Hirsch.

22 So with that, anyone who needs a copy of the
23 transcript can request that either directly from the court
24 reporter today or later through the website.

25 Mr. Ogarro, keep up the good work. Great. Happy

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1 holidays to you and your family.

2 THE DEFENDANT: You too, sir.

3 (Adjourned)